

AFFIDAVIT IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT

STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on this 16<sup>th</sup> day of January, 1980, before me, the subscriber, a Notary Public for the State and County aforesaid, personally appeared Mamie M. Welty and made oath in due form of law as follows:

1. That I previously owned the real property which is the subject of these proceedings, my husband and I having purchased it on August 31, 1944, [see Deed of Conveyance, Exhibit A] and having sold it on March 10, 1965, [see Deed of Conveyance, Exhibit B]. That since 1965 I have resided and do now reside on a parcel of land which abuts that which is the subject of this case [see a plat attached, Exhibit C]. That the property in question is wooded, with few improvements.

2. That I am fully familiar with the real property which is the subject of this case because of my residence on or about the same and because my husband [deceased, 1964] and I would bring wood down off the mountainside on foot using the various logging trails there existing. That said logging trails meandered through the woods coming down off the mountainside generally from the west to the east and that none of these trails were more than three feet wide and could only accomodate a person or a horse to walk thereon.

3. That during the time that I resided on or about the subject real property from 1944 to 1965 and thereafter from 1965 to the present, when I lived near the subject property, I never observed anyone else on the property, other than an occasional hunter. That specifically I have never observed Silas P. Rice, Crummell P. Jacobs, James W. Johnson or Nelson S. Rice on the subject property.

4. That affiant avers that she is competent to be a witness and has personal knowledge of the facts herein stated.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:  
July 1, 1982



NOTARY PUBLIC

*Filed January 17, 1980*

ROSENSTOCK, BURGEE, BOWER & PHILLIPS, P.A., FREDERICK, MARYLAND